

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Herbert Eugene Burroughs, #18296-021,)	C/A No. 4:19-2141-DCC-TER
Petitioner,)	
vs.)	
)	
Acting Warden Hutchinson,)	
Respondent.)	ORDER
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This case is before the Court because of Petitioner's failure to comply with the magistrate judge's order of August 7, 2019. (ECF No. 5). A review of the record indicates that the magistrate judge ordered Petitioner to submit items needed to render this case into proper form within twenty-one days, and specifically informed Petitioner that if he failed to do so, this case would be subject to dismissal. The Court has not received any response from Petitioner and the time for his compliance has passed.

The mail in which the order was sent to Petitioner at the address provided has not been returned to the court, thus it is presumed that Petitioner received the order, but has neglected to comply with the order within the time permitted under the order.

Petitioner's lack of response indicates an intent to not prosecute this case, and subjects this case to dismissal. *See* Fed. R. Civ. P. 41(b)(district courts may dismiss an action if a Petitioner fails to comply with an order of the court); *see also Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989)(dismissal with prejudice appropriate where warning given); *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982)(court may dismiss sua sponte).

Accordingly, this case is dismissed without prejudice. The Clerk of Court shall close the file.

IT IS SO ORDERED.

September 10, 2019
Spartanburg, South Carolina

s/Donald C. Coggins, Jr.
The Honorable Donald C. Coggins, Jr.
United States District Judge